

REMARKS

I. Status of the Claims

Claims 34-36 have been amended and new claim 40 has been added in the Amendment submitted herewith. Claims 26-40 are therefore pending in the application.

Support for newly added claim 40 can be found at least at page 5, line 6 of the specification.

II. Claims Rejected Under 35 U.S.C. § 112, Second Paragraph

Claims 34-36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is asserted in the Action, that the “term ‘range of about’ in claims 34-36 is a relative term which renders the claim indefinite”, as it is “unclear what the metes and bounds are of the ‘range of about’ is”. It is suggested by Examiner Le, that an amendment to the claims to recite “the range”, deleting “about” would obviate this rejection.

The claims have been amended in the Amendment submitted herewith, as suggested by the Examiner, and as such, Applicant respectfully requests withdrawal of the rejection of claims 34-36 as being indefinite under 35 U.S.C. § 112, second paragraph.

III. Claims Rejected Under Judicially Created Doctrine of Obviousness-Type Double Patenting

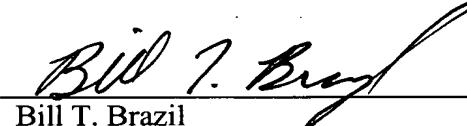
Claims 26-39 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,511,845. Submitted herewith is a terminal disclaimer to obviate the double patenting rejection of the presently pending application. Applicant therefore respectfully requests withdrawal of the

rejection of claims 26-39 under the judicially created doctrine of obviousness-type double patenting.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned Agent at the number indicated.

The notice set a three-month period to comply, to and including March 03, 2004. Thus, this response is believed to be timely filed. Should any fees be deemed necessary, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-1300.

Respectfully submitted,



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